

# Proposed Permit Conditions and Notes

---

**Application:** YR-2022/834

**Address of the Land:** 1 Baynes Park Road (Lot 1 LP119336), Monbulk

**Proposal:** Use and development of a Childcare Centre, construction of front fencing, removal of vegetation and remove access to a Transport Zone 2

## THE FOLLOWING CONDITIONS ARE PROPOSED FOR THIS PLANNING PERMIT:

1. Before the use and development (including the removal of any trees or other vegetation) starts, amended plans must be submitted to and approved by the responsible authority. When approved the plans will be endorsed and form part of the permit. The plans must be drawn to scale, with dimensions, and be generally in accordance with the plans (*Prepared by Projected Designs and Faulkner and Chapman Landscape Design*) but modified to show:
  - (a) All shade sails numbered, with elevation drawings, drawn to scale and fully dimensioned;
  - (b) Delineate and notate vehicle crash protection barriers installed along the western retaining wall, adjacent to the western carpark spaces as required by AS2890.1, with no intrusion into the carpark space dimensions required by Clause 52.06 (Carparking) of the Yarra Ranges Planning Scheme;
  - (c) Demonstrate via a swept path diagram a vehicle turn-around area at the end of the carpark to allow vehicles to turn around in a maximum three-point manoeuvre;
  - (d) Any layout modifications to the Floor and Elevation Plans as a direct consequence of Condition 1b) and 1c), with no reduced building setbacks;
  - (e) Internal accessway opposite carpark space labelled 19 to be 6.4 metres in width to comply with Clause 52.06 (Carparking) of the Yarra Ranges Planning Scheme;
  - (f) Notate accessway grades on the entrance ramp and be no steeper than 10% in accordance with Clause 52.06-9 (Design Standard 3) of the Yarra Ranges Planning Scheme;
  - (g) Road reserve pedestrian footpath connection along Baynes Park Road site frontage notation updated to state 'proposed road reserve pedestrian footpath to be installed by the permit holder at the cost of permit holder to the satisfaction of responsible authority';
  - (h) Southern elevation carpark acoustic wall screen to include a 300mm high trellis on top, to be 100% obscured, for additional visual concealment;
  - (i) Activity Area 4 room First Floor Southern Elevation windows to have an obscure treatment;
  - (j) Installed and notate, on all relative plans, provision of a skylight for Activity Area 4 room;

## Proposed Permit Conditions and Notes

---

- (k) An amended Landscape Plan in accordance with Condition 3;
- (l) A Tree Management Plan in accordance with Condition 15;
- (m) A Car Parking Management Plan in accordance with Condition 25; and
- (n) A Bushfire Emergency Plan in accordance with Country Fire Authority Condition 32

All of the above must be to the satisfaction of the responsible authority.

2. The use and development as shown on the endorsed plans must not be altered or modified (unless the Yarra Ranges Planning Scheme specifies a permit is not required) without the prior written consent of the responsible authority.
3. Before the use and development commences, an amended Landscape Plan to the satisfaction of the responsible authority and prepared by a person suitably qualified or experienced in landscape design must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and form part of the permit. The plan must be drawn to scale, fully dimensioned and a digital copy must be provided. The plan must be generally in accordance with the submitted plan but amended to show:
  - (a) Any modifications in the accordance with Condition 1;
  - (b) Visual screening around front sited rainwater tank consistent with Ground Floor Plan;
  - (c) Updated planting schedule to show proposed trees and shrubs plant species to only comprise the Yarra Ranges Council's Vegetation Community No. 18;
  - (d) Include vegetation screening shrubs along the southern title boundary, spaced apart in allotment groups of 5.0 metres in width and 5.0 metres of break, with vegetation plant species chosen capable of a mature height of not less than 3.0 metres.
4. The landscape works as shown on the endorsed plan must be carried out prior to occupation of the permitted development, or if not occupied, within three months of completion of the permitted development. With written consent of the responsible authority landscaping may be deferred to the first planting season (May to September) following the completion of the permitted buildings and/or works. New planting must be maintained or replaced as necessary to the satisfaction of the responsible authority.
5. All Sustainable Design measures and initiatives outlined in endorsed Sustainable Design Assessment Plan prepared (and as amended) must be implemented and maintained with to the satisfaction of the responsible authority.

### AMENITY CONDITIONS

6. The Childcare Centre Land use, subject to this approval, is only permitted to operate on Monday to Friday (inclusive) – 6.30am to 6.30pm.

## Proposed Permit Conditions and Notes

---

7. A maximum of 88 children are permitted for the childcare centre operation at any one time.
8. Noise levels emanating from the premises must not exceed those required to be met under Environment Protection Regulations under the *Environment Protection Act 2017*.
9. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.
10. Before the buildings approved by this permit are occupied, all acoustic treatment fencing and structures must be installed as per the endorsed plans. The cost of such fencing must be met by the owner and carried out to the satisfaction of the responsible authority. All acoustic treatments must be maintained to achieve the acoustic attenuation measures specified in the endorsed Acoustic Report to the satisfaction of the responsible authority.
11. Deliveries to and from the site (including waste collection) must only take place between Monday to Friday (inclusive) - 7am to 7pm.
12. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land
  - (b) vehicle movements within the land
  - (c) appearance of any building, works or materials
  - (d) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
  - (e) presence of verminAll to the satisfaction of the responsible authority.
13. Any security alarms or similar devices installed on the land must be of a silent type to the satisfaction of the responsible authority.
14. Any external lighting installed must be baffled to protect off-site amenity and only used during operational days between hours of 6.00am and 7.00pm

### ARBORIST CONDITIONS

15. Before development starts, including vegetation removal, a Tree Management Plan prepared by a suitably qualified and experienced arborist must be submitted to, and be approved by, the responsible authority. Once approved, the endorsed Tree Management Plan will form part of this permit. The Tree Management Plan must be to the satisfaction of the responsible authority. The

## Proposed Permit Conditions and Notes

---

Tree Management Plan must include specific recommendations in accordance with Australian Standard AS4970:2009 Protection of trees on development sites, and must detail the following to ensure that the tree 8 # (road reserve) as shown on endorsed plans, remain healthy and viable during construction: A Tree Management Plan to show:

- (a) details of how the root system of tree 8 # to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by a suitably qualified and experienced arborist, and details of how any permeable surfaces within the Tree Protection Zone of retained tree will be constructed.

The recommendations and requirements detailed in the endorsed Tree Management Plan must be implemented to the satisfaction of the responsible authority.

16. The existing street tree(s) must not be removed or damaged to the satisfaction on the responsible authority.
17. Before the development starts, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) to the satisfaction of the responsible authority and must:
  - (a) Exclude access and construction activity within the TPZs. If trees have not been assessed, the TPZ is a circle with a radius equal to 12x the trunk diameter measured at 1.4 m above ground level, and
  - (b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 for temporary fencing and hoardings, and
  - (c) Not extend beyond the site boundaries except into roadside reserve and/or nature strip areas. Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath, and
  - (d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of the responsible authority.

Temporary fencing can be modified to accommodate encroachment into the TPZ of tree(s) as per the endorsed plans. Fencing must be modified in line with the footprint of the approved works only.

18. All underground service pipes/conduits including storm water and sewerage must be diverted around the Tree Protection Zone (TPZ) of any retained tree, or bored underneath with a minimum cover of 600mm to top of pipe/conduit from natural ground surface to the satisfaction of the responsible authority. All pits, holes, joints and tees associated with the installation of services must be located outside the TPZ, or the project arborist must demonstrate works in the TPZ will not impact viable tree retention to the satisfaction of the responsible authority.
19. This permit authorises the removal of trees numbered #2, #3, #5, #6, #10, #11, #12 (on subject site), #13, #15–24, #27, #28 and #31–36 as shown on endorsed plans with associated endorsed Arborist Report.

# Proposed Permit Conditions and Notes

---

All other trees must be retained to the satisfaction of the responsible authority (unless the Yarra Ranges Planning Scheme specifies a permit is not required for removal).

20. On the day that any vegetation is removed, all trees to be removed must be inspected by an appropriately qualified zoologist prior to the removal, to determine the presence or otherwise of any native fauna living or nesting in the tree/s. If any native animals are living or nesting in the tree/s they must be caught and relocated to the satisfaction of the responsible authority.

## TRAFFIC CONDITONS

21. Before the occupation of the permitted development or the use commences, a new nominal 6.8 metre trafficable width concrete vehicle crossing in Baynes Park Road in accordance with Standard Drawing SD/C3 and all Council assets, including the nature-strip, reinstated to the satisfaction of the responsible authority
22. Before the occupation of the permitted development or the use commences, the car parking spaces and vehicular accessways shown on the endorsed plan must be fully constructed, sealed, delineated and/or signed and drained incorporating Water Sensitive Urban Design elements to the satisfaction of the responsible authority.
23. Before the occupation of the permitted development or the use commences, the construction of all civil works within the site, including water tanks and internal/external signs (including signage for any parking time limits) must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer or qualified person at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the responsible authority.
24. The carpark spaces and vehicular accessways approved by this permit must not be obstructed or made inaccessible to the satisfaction of the responsible authority.
25. Before development starts, a Car Parking Management Plan, to the satisfaction of the responsible authority, must be submitted to and approved by the responsible authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be generally in accordance with the Proposed Site Plan - Ground Floor, date 20/9/2023 Designed by Paolo Seno but must include:
  - (a) the location of and designation of all areas on site to be used for staff parking
  - (b) the location of and designation of all areas on site to be used for patron parking, including short term drop off and pick up bays;
  - (c) The time designations for the short-term parking and drop off bays

## Proposed Permit Conditions and Notes

---

Once approved, traffic movement and car parking operations on the site must be carried out in accordance with the endorsed plan to the satisfaction of the responsible authority. Once endorsed the applicant/operator of the site must ensure the plan is displayed in a prominent location to inform the users of the centre of the arrangements.

26. Before the occupation of the permitted development, pedestrian footpath connection to the Baynes Park Road footpath is to be constructed to the satisfaction of responsible authority. The pedestrian footpath design to be approved by Yarra Ranges Council's engineering department prior to construction.

### **DRAINAGE CONDITIONS**

27. Before the occupation of the permitted development or the use commences, a piped drainage must be constructed to drain all impervious areas incorporating Water Sensitive Urban Design features, to the satisfaction of the responsible authority.
28. Before the development starts, including removal of vegetation, Development Stormwater Drainage Engineering Plans and Computations must be submitted to, and approved by, the responsible authority. Development Stormwater Drainage Engineering Plans and Computations must be in line with all the requirements of the approved point of discharge certificate.  
<https://www.yarraranges.vic.gov.au/Development/Roads-drains/Applications-and-permits/Submit-stormwater-drainage-and-computations>
29. Before the occupation of the permitted development or the use commences, a detention system, must be constructed/installed to drain all impervious areas, to the satisfaction of the responsible authority
30. Before the occupation of the permitted development or the use commences, the construction of all civil works within the site, including detention system must be fully completed and subsequently inspected and approved by a suitably experienced Civil Engineer at the arrangement and expense of the owner/developer. This person must supply written certification that the works have been constructed in accordance with this permit and to relevant standards to the satisfaction of the responsible authority

### **COUNTRY FIRE AUTHORITY CONDITONS**

31. The Bushfire Management Plan prepared by Terramatrix, Version 1.0, Dated 24/11/2022 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the responsible authority.
32. Before the development is occupied or the use commences, a Bushfire Emergency Plan (BEP) must be prepared and endorsed by the responsible authority. The BEP must clearly describe the emergency management

# Proposed Permit Conditions and Notes

---

arrangements that will be implemented to reduce the risk of bushfire and should address the following matters:

- (a) Describe property and business details
- (b) Identify the purpose of the BEP stating that the plan outlines procedures for:
  - i. **Closure of premises** on any day with a Fire Danger Rating of Code Red or extreme fire danger in the Central Fire District.
  - ii. **Evacuation** (evacuation from the site to a designated safer off-site location).
  - iii. **Shelter-in-place** (remaining on-site in a designated building).
- (c) Review of the BEP
  - Outline that the plan must be reviewed and updated annually prior to the commencement of the declared Fire Danger Period.
  - Include a *Version Control Table*.
- (d) Roles & Responsibilities
  - Detail the staff responsibilities for implementing the emergency procedures in the event of a bushfire and the triggers for acting. For example, when the facility will be closed and the circumstances under which guests and patrons will shelter in place or evacuate.
- (e) Emergency contact details
- (f) Bushfire monitoring procedures
  - Details the use of radio, internet and social networks that will assist in monitoring potential threats during the bushfire danger period.
  - Describe and show (include a map) the area to be monitored for potential bushfire activity

## HEAD, TRANSPORT FOR VICTORIA CONDITION

33. Prior to commencement of the use, all disused or redundant vehicle crossings must be removed, and the area reinstated nature strip to the satisfaction of and at no cost to the Head, Transport for Victoria.

## PERMIT EXPIRY CONDITION

34. This permit will expire if one of the following circumstances applies:
- (a) The development is not commenced within two (2) years of the date of this permit.
  - (b) The development is not completed within four (4) years of the date of this permit.
  - (c) The use is not commenced within two (2) years of the completion of the development.

## Proposed Permit Conditions and Notes

---

(d) The use ceases for more than two (2) years.

The responsible authority may extend the periods referred to if a request is made in writing before the permit expires, or within 6 months afterwards if the development and use has not commenced, or 12 months after if the development has commenced but is not yet completed.

### NOTES:

- The management of Stormwater is to be in accordance with the Approved Point of Stormwater Discharge. Please apply for Approved Point of Stormwater Discharge through Council's webpage.

<https://www.yarraranges.vic.gov.au/Property/Roads-drains-footpaths/Stormwater-drainage>

- Prior to the commencement of any works affecting or involving Council roads or drains, Asset Protection and/or Road Reserve/Easement Works permit(s) are required. An application for a permit can be made at the Yarra Ranges Council Community Links and must include a copy of the relevant planning permit(s), endorsed site plan, and approved civil engineering plan if one was required on the planning permit. Please call 1300 368 333 for further advice.
- The proposed development requires reinstatement of the crossovers to nature strip. Separate approval under the *Road Management Act 2004* for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works